

REMARKS/ARGUMENTS

By this Amendment, Claims 23, 26 and 39 have been amended. Claims 24, 25, 27, 29 and 34 have been canceled previously and Claims 1 – 22, 30 – 33, 35 – 38 and 40 – 42 have been previously withdrawn.

Favorable reconsideration is respectfully requested in view of the foregoing amendments and the following remarks.

The only two independent claims now appearing in this application, i.e., Claims 23 and 38, have been amended to specify that the anisotropic wound packing comprises at least one a roll of gauze having a longitudinal axis and at least one radial axis. The at least one roll is further specified as comprising plural spiral layers wound about the longitudinal axis. The wound packing is now specified as being arranged to be placed in the interior of the wound with the at least one radial axis facing a side of the wound and extending parallel to at least one “wound axis” (an axis parallel to the skin of the patient contiguous with the wound). The wound is further specified as having sides and an interior. Both independent apparatus Claims 23 and method Claim 28 have also been amended to call for a separate enclosure being arranged to be separately placed over the wound packing after the wound packing has been placed in the interior of the wound to produce an enclosed interior space in the wound in which the wound packing is located.

These feature are clearly disclosed in the specification of the application and are not shown nor suggested in the U.S. Patent 5,358,494 (Svedman) which has been applied to the claims in the outstanding Office Action, nor are they obvious over Svedman.

As should be readily appreciated the Svedman reference discloses a device for irrigating a wound via a syringe-like device including a flexible pad 11. The PTO contends that pad 11 of Svedman constitutes the claimed anisotropic wound packing. Even assuming *arguendo* that the pad of Svedman is anisotropic (which applicants continue to dispute), it is clear that the pad 11 of Svedman is not a roll of gauze having a longitudinal axis and at least one radial axis, with the roll comprising plural spiral layers wound about the longitudinal axis. As pointed out previously, there is nothing in the Svedman reference to disclose or suggest that the pad 11 is anything other than a monolithic cylinder. In particular, all that Svedman teaches about the flexible pad 11 is that it is “a cylindrical piece of synthetic fabric or foam rubber . . .” (see Col. 2, lines 57 – 58). There is absolutely no disclosure, nor hint, in Svedman that the cylindrical piece of synthetic fabric, i.e., the pad 11, is in the form of any kind of rolled up body, let alone a spirally wound cylinder of plural layers, as is now claimed in amended independent Claims 23 and 38. In fact, there would seem to be no reason for Svedman to use a material that contracts, let alone a spirally wound gauze body to preferentially contract as now claimed, since Svedman is directed to the as-needed (non-continuous) irrigation of the wound as a means of ultimately enabling the wound to heal. Svedman is not the least concerned with the application of continuous suction to the wound to encourage its healing, nor would anyone look to a device like Svedman’s for accomplishing that end.

Another significant point of distinction of the subject invention over the Svedman reference is the fact that the Svedman device is an integral unit for irrigation of a wound. In particular, the Svedman irrigation device comprises comprising a flexible plate 1, connections 8 and 9 located within openings in the plate, and a conduit 10 fixed to the connection 8 for supplying and draining liquid (see col. 2, lines 48 – 53. The pad 11 (which the Office Action asserts constitutes the anisotropic wound packing) is mounted at the distal end of the conduit and is in fluid communication with the conduit. Accordingly, liquid can be intermittently introduced and withdrawn as desired through the conduit and the pad. In contradistinction, the device of the subject invention makes use of the application of continuous suction to a wound packing that is a separate component from the cover. In particular, with the subject invention the wound packing, e.g., one or more than one spirally wound gauze roll(s), is/are placed in the interior of the wound in their desired orientation, i.e., with the at least one radial axis of each gauze roll being parallel to the “wound” axis (the axis parallel to the skin of the patient contiguous with the wound). Then, after the wound packing has been appropriately located and oriented as desired in the wound, the cover can then be placed thereover. Once the cover is in place and sealed to the surface of the skin about the wound, an enclosed interior space in which the wound packing is located results. At this time continuous suction can be (and is) applied through the opening in the cover directly into the interior space (not through a conduit extending into the wound packing) to cause the at least one spiral roll of gauze making up the wound packing to contract radially. This action encourages the wound to preferentially contract along the “wound” axis, a feature not remotely suggested by or obvious over Svedman.

In short, the device of the subject invention enables the ready and accurate placement of the wound packing within the wound to ensure appropriate operation and once that has occurred, the cover can be readily placed thereover and sealed to the skin, whereupon continuous suction can be applied. None of these features are even remotely hinted at or obvious over Svedman et al.

Accordingly, it is respectfully submitted that Claims 23 and 38 as amended are patentable and such favorable action is respectfully requested.

Claim 26, which is dependent on Claim 23, has been amended to call for a plurality rolls whose respective longitudinal axes generally parallel to each other in the wound. These features, alone and in combination, with the features as set forth in Claim 23, are not shown nor suggested in Svedman. Hence it is respectfully submitted that Claim 26 is patentable.

Claim 28 is dependent upon Claim 23 and is patentable for reasons similar thereto.

For at least the reasons set forth above, it is respectfully submitted that the above-identified application is in condition for allowance. Favorable reconsideration and prompt allowance of the claims are respectfully requested.

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Reply to Office Action of September 22, 2009

Should the Examiner believe that anything further is desirable in order to place the application in even better condition for allowance, the Examiner is invited to contact Applicants' undersigned attorney at the telephone number listed below.

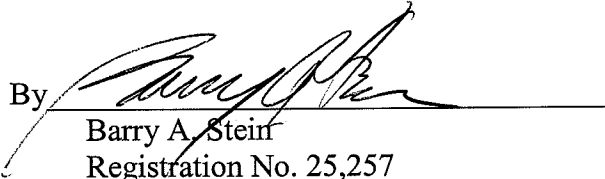
Respectfully submitted,

CAESAR, RIVISE, BERNSTEIN,
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December 21, 2009

Please charge or credit our Account No. 03-0075 as necessary to effect entry and/or ensure consideration of this submission.

By

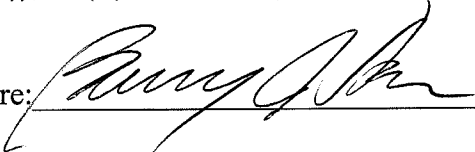

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